

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY BAILEY,  
Plaintiff,

v.

JOHN DOE,  
Defendant.

Case No. [13-cv-04967-WHO](#) (PR)

**ORDER OF DISMISSAL**

Plaintiff has failed to comply with the Court's order to (1) file a complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$350.00. He has also failed to file a complaint. Accordingly, the action is **DISMISSED** without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain (1) a complete IFP application, or full payment for the \$350.00 filing fee, **and** (2) a complaint. The Clerk shall enter judgment in favor of defendant, and close the file.

**IT IS SO ORDERED.**

**Dated:** December 6, 2013

  
WILLIAM H. ORRICK  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

LARRY BAILEY,

Plaintiff,

v.

CALIFORNIA STATE PRISON CORCORAN  
et al,

Defendant.

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Case Number: CV13-04967 WHO

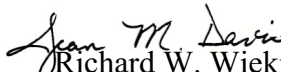
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 6, 2013, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

Larry Bailey AN 9302  
Corcoran State Prison  
P O Box 5248  
Corcoran, CA 93212

Dated: December 6, 2013

  
Richard W. Wieking, Clerk  
By: Jean Davis, Deputy Clerk